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ZONING ORDINANCE

of

FAIRFAX COUNTY

VIRGINIA

Adopted February 5, 1941
Effective March 1, 1941.

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P.L. EXH #1
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ZONING ORDINANCE OF FAIRFAX COUNTY, VIRGINIA

An Ordinance: To provide for the zoning of Fairfax County into districts; to provide for the obtaining of a permit for the erection, alteration or repair of residential, business, and industrial properties; to regulate the erection of buildings thereon, to regulate the use and size of yards and other open spaces, and to provide penalties for the failure to comply with the Ordinance.

WHEREAS, by Acts of the General Assembly of Virginia, Approved March 30, 1936, (Chap. 427, Acts of 1936) and April 1, 1938, (Chap. 415, Acts of 1938) that for the purpose of promoting the HEALTH, SAFETY, MORALS, and GENERAL WELFARE OF THE COMMUNITY, it is provided that THE BOARD OF SUPERVISORS in any County may divide the area of such county in the unincorporated portions thereof into one or more districts; may by ordinance regulate the use of lands and of buildings and other structures; may provide the locations of those areas which may be used as places of residence or in which agriculture, forestry, trade, industry or other specific uses, may be conducted; may regulate the height, bulk and size of buildings or other structures, the percentage of land area which may be occupied, the minimum sizes of yards, courts, or other open spaces; and may provide for amendments and changes therein; THEREFORE

Be it ordained by the Board of Supervisors of Fairfax County that:

SECTION I

Definitions

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "building" includes the word "structure;" and the word "Section" refers to Sections in this Ordinance.

1. Accessory Building: A subordinate building on the same lot with a main building, the use of which is incidental to that of the main building, such as a garage or stable.

2. Alley: A public way not less than twenty (20) feet in width located within the interior of a block and intended for rear access and service to abutting property.

3. Apartment House: A building used or intended to be used as a residence for three or more families living independently of each other.

4. Building: A structure having a roof supported by columns or walls and intended for the shelter, support, or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

5. Building Set-Back Line: A line beyond which a building or structure shall not extend.

6. Dwelling: Single Family: A dwelling constructed to accommodate only one family, and containing only one housekeeping unit.

7. Dwelling, Duplex: A dwelling constructed to accommodate two families, one above the other with no communication between said accommodations except as may be provided by a common entrance.

8. Dwelling: A building, single family or duplex as defined above, occupied as an abode by one or more persons, either permanently or transiently, excluding hotels, apartment houses and tourist cabins.

9. Garage, Public or Private: A building used for the housing or storing of motor driven vehicles, in which no commercial repair work is done.

10. Guest House: A dwelling used exclusively (other than for residence by the Occupant) to provide three or more rooms for rental to travellers or transients.

11. Height of Building: The vertical distance measured from the mean level of the established curb or street grade in front of the building to the level of the highest point of said building. Where no road or street grade has been established within twenty-five (25) feet of the front of the building, the established grade shall be construed as the natural grade twenty-five (25) feet in front of such building.

12. Hotel: A building containing six or more sleeping rooms offered singly or in suite for hire as temporary lodging, with or without meals, and containing no provisions for the preparation of meals except that a public dining room with kitchen facilities may be provided.

13. Lot: A piece or parcel of land abutting on a street, whose area, in addition to the parts thereof occupied or which may hereafter be occupied by a building and buildings accessory thereto, is sufficient to furnish the yards, and minimum area required for compliance with this ordinance. The word lot shall include building site.

School ^{Street line}
14. Side Line: The side line of a road or street is the right of way line or property line.

15. Street: A highway, or road or other public way, either accepted by public authority or used by the public or dedicated on approved plats.

16. Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

17. Tourist Camp: An area within which is located one or more cabins for rental to transients.

18. Tourist House: See "Guest House."

19. Trailer Camp: Any land upon which habitually or frequently one or more trailers are harbored and remuneration is received in connection therewith, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such trailer camp.

20. Wayside Stand: An enclosed or unenclosed structure, with or without a roof, which is designed and used for the display and sale of farm products produced in the immediate vicinity of the premises upon which it is located. The term Wayside Stand shall not include movable tables without a roof.

21. Yard, Side: An unoccupied space extending for the full length of a building between the building and the side lot line.

22. Yard, Rear: A space unoccupied, except by a building of accessory use as herein permitted, extending for the full width of the lot between the extreme rear line of the building and the rear lot line.

SECTION II

Establishment of Districts

A. For the purpose of this Ordinance, Fairfax County is hereby divided into the following classes of districts:

Agricultural Districts
Rural Residence Districts
Suburban Residence Districts
Urban Residence Districts
Rural Business Districts
General Business Districts
Industrial Districts

B. Location and Boundaries of Districts: The location and boundaries of the districts are hereby established as shown on the Zoning Map dated 1941 which accompanies this Ordinance and is hereby declared to be a part thereof. Those district boundary lines are, unless otherwise shown on the Zoning Map or herein described, either the center lines of streets or roads or railroads, or lines parallel or perpendicular thereto as noted on said Map. The said Zoning Map and all notations, dimensions, and designations shown thereon shall be as much a part of this Ordinance as if the same were fully described herein.

C. Lots in Two Districts: Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

D. Whenever a portion of any Business District is indicated on the Zoning Map as a strip parallel to an opened or unopened street, the depth of such strip, unless otherwise shown on said map, shall be two hundred (200) feet in the Rural Business District and two hundred (200) feet in the General Business District measured at right angles from the side lines of the street to which such strip is parallel and adjacent.

SECTION III

Agricultural District

A. Use Regulations: In any Agricultural District no building or structure shall be erected, altered, or used, and no land shall be used, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Farming, dairy farming, livestock and poultry raising,

lumber and sawmilling, and all uses commonly classed as agriculture and forestry, and uses which are customarily appurtenant thereto, and which are in harmony with the character of the neighborhood with no restrictions as to the operation of such vehicles or machinery as are incident to such uses and with no restrictions as to the sale or marketing of products raised on the premises, provided that no building or structure for the raising, housing or sale of poultry, livestock or other animals on a commercial scale, or sawmill, shall be located less than one hundred (100) feet from any street, lot or property line.

2. Any use permitted in the Rural Residence District, and subject to the same conditions in each case as set forth in Section IV, A.

3. Any of the following uses subject to the provisions of Section XII.

- a. Tourist camps and cabins.
- b. Signs, billboards and other advertising devices.
- c. Hotels, Tea Rooms and Restaurants.
- d. Automobile filling stations and repair shops in connection therewith as permitted in the Rural Business District.
- e. Wayside stands for the sale of products produced in the immediate vicinity, except the set back required shall be twenty-five (25) feet from the nearest side line of the street or road or fifty (50) feet from the center line whichever is the greater distance.
- f. Mines (including utilization of any natural resources), quarries and gravel pits.

B. Height Regulations: No height regulations shall apply in the Agricultural District.

C. Area Regulations: The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows, except as provided in Section XI.

1. Lot area per structure: No structure shall be erected or placed on a lot or building site containing an area of less than one-half ($\frac{1}{2}$) acre, provided a larger area is not required by the Fairfax County Health Unit. The lot shall have width of not

less than one hundred (100) feet, measured at the building set back line.

2. Building Set-Back Line: There shall be a building set-back line of not less than seventy-five (75) feet from the center line or fifty (50) feet from the side line of the abutting street, whichever is the greater distance.

3. Side Yards: There shall be on each side of every building a side yard having a minimum width of twenty-five (25) feet.

4. Rear Yards: No Part of a building shall be erected within twenty-five (25) feet of the rear lot line.

5. Corner lots and corner clearance shall conform to provisions prescribed in Section XI.

* * *
SECTION IV

Rural Residence District

A. Use Regulations: In a Rural Residence District no building or structure shall be erected, altered, or used, and no land shall be used unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Single family detached dwelling.

2. The office of a resident member of a recognized profession other than an undertaker or mortician, when situated in the same building used by such practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding one (1) sq. ft. in area, containing the name and occupation of the resident on the premises.

3. Customary home occupations provided that such occupation shall be engaged in only by residents on the premises, provided there shall be no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling, other than as permitted in paragraph 14 of this Section.

4. Tourist homes for the accommodation of the tourist public and operated in a dwelling by the occupant, provided that such operation shall be subject to the approval of the Fairfax County Health Unit.

5. Churches and other places of worship, including parish houses and Sunday Schools.

6. Public and Parochial Schools, public libraries, public museums, public art galleries.

7. Private garage which shall not be used to house more than two vehicles in excess of those used by the residents of the premises on which the garage is located.

8. Private stable which shall be used to house only such vehicles as are permitted in paragraph 7 of this Section and to house not more than two (2) horses in excess of those used by the residents of the premises on which the stable is located.

9. Private summer cottages, or cabins and recreational camp grounds to be occupied for a portion of the year, but not including tourist camps or cabins.

10. Public and private parks, recreational areas and resorts, including golf courses, swimming pools, and boating facilities, together with structures accessory thereto.

11. riding stables and related uses, provided that no structure shall be located less than one hundred (100) feet from any street, lot or property line.

12. Truck gardens, nurseries and greenhouses, including an office.

13. Farming, dairy farming, livestock and poultry raising provided that any structure or premises devoted to such use shall be located not less than one hundred (100) feet from any street, lot or property line.

14. A sign not more than ten (10) sq. ft. in area appertaining to the sale or lease of the premises upon which it is located, or advertising only services or accommodations available on the premises, or agricultural, or farm products which have been produced in the immediate vicinity, provided that such sign shall be displayed not less than fifty (50) feet from the center line of any street or road.

15. Any of the following uses, permitted by the Board of Appeals as provided in Section XII.

a. Cemeteries

b. Private schools and colleges.

c. Clubs and grounds for games or sports, provided any such use is not primarily for gain.

d. Municipal recreation buildings, playgrounds, parks, and athletic fields.

e. Community buildings.

- f. Hospitals or sanitariums, not treating contagious diseases and not for the care of epileptic or drug or liquor patients, charitable institutions which are not of a correctional nature and which are not intended for the cure of insane or feeble minded patients; provided that any building so used shall be set back not less than one hundred (100) feet from any lot line or street line.
- g. Buildings and facilities which are used exclusively by the Federal, or State or County Government for public purposes, except penal, correctional institutions, incinerators, sewage disposal plants or similar objectionable buildings or facilities.
- h. Railroad, trolley, bus, or boat passenger stations, and airports or landing fields, but not including car barns or garages. Railroad rights of way and tracks, but not including railroad yards and shops other than for passenger purposes.
- i. Static transformer stations, transmission lines and towers, and telephone exchanges, but not including service and storage yards.
- j. Tea Rooms and Restaurants.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet, except as provided in Section XII.

C. Area Regulations: The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows, except as provided in Section XI.

- 1. Lot area per structure: No structure shall be erected or placed on a lot or building site containing an area of less than one-half ($\frac{1}{2}$) acre, or a lot less than one hundred (100) feet wide, provided a larger area is not required by Fairfax County Health Unit, measured at the building set-back line.
- 2. Building Set-Back Line: There shall be a building set-back line of not less than seventy-five (75) feet from the center line or fifty (50) feet from the side line of the abutting street, whichever is the greater.
- 3. Side Yards: There shall be on each side of every building a side yard having a minimum width of twenty-five (25) feet.
- 4. Rear Yards: No part of a building shall be erected

within twenty-five (25) feet of the rear lot line.

5. Corner lots and Corner Clearance regulations shall conform to provisions prescribed in Section XI.

SECTION V

Suburban Residence District

A. Use Regulations: In a Suburban Residence District no building or structure shall be erected, altered, or used, and no land shall be used unless otherwise provided in this Ordinance except for one or more of the following uses:

1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in Section IV, A.

B. Height Regulations: No building in a Suburban Residence District hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet, except as provided in Section XI.

C. Area Regulations: The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows, except as provided in Section XI.

1. Lot area per structure: No structure shall be erected or placed on a lot or building site containing an area of less than ten thousand (10,000) sq. ft., provided a larger area is not required by the Fairfax County Health Unit. The lot shall have a width of not less than sixty-five (65) feet, measured at the building set-back line.
2. Building set-back line: There shall be a building set-back line of not less than forty (40) feet from the nearest side line or sixty (60) feet from the center line of the abutting street, whichever is the greater distance.
3. Side Yards: There shall be on each side of every building a side yard having a minimum width of fifteen (15) feet.
4. Rear Yards: No part of a building shall be erected within twenty-five (25) feet of a rear line.
5. Corner Lots and Corner Clearance regulations shall conform to provisions prescribed in Section XI.

SECTION VI

Urban Residence District

A. Use Regulations: In an Urban Residence District no building or structure shall be erected, altered, or used, and no land shall be used unless otherwise provided in this Ordinance except for one or more of the following uses:

1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in Section IV, A.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed three (3) stories or forty(40) feet, except as provided in Section XI.

C. Area Regulations: The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows except as provided in Section XI.

1. Lot area per structure: No structure shall be erected or placed on a lot or building site containing an area of less than five thousand(5,000) sq. ft., provided a larger area is not required by the Fairfax County Health Unit. The lot shall have a width of not less than fifty (50) feet, measured at the building set-back line.
2. Building setback line: There shall be a building setback line of not less than twenty-five (25) feet from the nearest side line or fifty (50) feet from the center line of the abutting street, whichever is the greater distance.
3. Side Yards: There shall be on each side of every building a side yard having a minimum width of ten (10) feet, except that such side yard may be reduced to not less than seven (7) feet, provided the side walls of any building so located are of fireproof construction and provided further that on no lot held under a separate and distinct ownership from the adjacent lots and of record at the time of passage of this Ordinance shall the buildable width be reduced by this requirement to less than twenty-four (24) feet, or the side yards to less than five (5) feet.
4. Rear Yards: No part of a building shall be erected within twenty-five (25) feet of a rear lot line.
5. Corner lots and corner clearance regulations shall conform to provisions prescribed in Section XI.

SECTION VII

Rural Business District

A. Use Regulations: In a Rural Business District no building or structure shall be erected, altered or used, and no land shall be used unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in Section IV, A.
2. Tea Rooms, Restaurants, Tourist Camps and Cabins.
3. Any retail trade or service, provided that no industry or manufacturing shall be permitted except the making of articles to be sold exclusively at retail on the premises.

No building or land shall be used for the following:

- a. Carpet, rug or bag cleaning.
- b. Dyeing and cleaning works employing more than five persons in the process.
- c. Any use prohibited in the General Business and Industrial Districts.
4. A private or public garage for the housing of motor vehicles.
5. A private stable which shall be used to house only such vehicles as are permitted in paragraph 4 of this Section and only such horses and horsedrawn vehicles as are used by residents of the premises, or used in connection with a business conducted on the premises on which the stable is located.
6. Automobile filling stations, automobile repair shops in connection with a filling station or garage for minor repairs, and not equipped with motive power in excess of ten horse power, and provided further that no storage of wrecked cars, or a wrecking of cars shall be permitted on the premises.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet, except as provided in Section XI.

C. Area Regulations: Except for a building occupied in whole

or in part for residential use, the minimum size of yards and other open spaces shall be as follows except as provided in Section XI.

1. Building set-back lines shall conform to those established in the Rural Residence District.
2. Side and Rear Yards: Side yards shall not be required and rear yards shall not be less than ten (10) feet in depth unless an alley is provided, in which case one-half ($\frac{1}{2}$) of the width of such alley shall be counted as part of the rear yard; provided however, that no building in the Rural Business District shall be located a lesser distance from any lot or property line lying in a Residence District than the side yard width required in such Residence District and that such yard requirements in the Rural Business District shall, in the case of automobile filling stations, repair shops and public garages, be increased by not less than twenty-five (25) feet.
3. Corner Lots and Corner Clearance regulations shall conform to the provisions prescribed in Section XI.

All buildings containing residential units shall conform to the area regulations in the residential or agricultural district surrounding it.

SECTION VIII

General Business District

A. Use Regulations: In a General Business District no building or structure shall be erected, altered or used and no land shall be used unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Any use permitted in the Rural Business District, and subject to the same condition in each case as set forth in Section IV, A.
2. Hotels and Apartment Houses.
3. Theatres, assembly halls and similar places of public entertainment.
4. Banks or offices.
5. Any wholesale trade or service, provided that no industry or manufacturing shall be permitted except the making of articles to be sold on the premises.

No building shall be used for the following:

- a. Carpet, Rug, or bag cleaning.
- b. Dyeing and cleaning works employing more than five persons in the process.
- c. Any use prohibited in the Industrial District.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet, except as provided in Section XI.

1 Building set back lines shall conform to those established in the Urban Residence District.

2. Side and Rear Yards: Side Yards shall not be required, and rear yards shall not be less than ten (10) feet in depth unless an alley is provided, in which case one-half ($\frac{1}{2}$) of the width of such alley shall be counted as part of the rear yard; provided however, that no building in the General Business District shall be located a lesser distance from any lot or property line lying in a Residence District, and that such yard requirements in the General Business District shall, in the case of automobile filling stations, repair shops, and public garages, be increased by not less than twenty-five (25) feet.

3. Corner Lots and Corner Clearance regulations shall conform to the provisions prescribed in Section XI.

All buildings containing residential units shall conform to the provisions prescribed for area in the Urban Residence District.

SECTION IX

Industrial District

A. Use Regulations: In any Industrial District, buildings or land may be used for any purpose not otherwise prohibited by Ordinance within Fairfax County, provided, however, that when any of the following uses are not controlled by existing county ordinances, such uses shall require the approval of the Board of Supervisors of Fairfax County and the prior submission of a report and recommendations to said Board by the Fairfax County Planning Commission, provided further, that no such use shall be established within two thousand (2,000) feet of any Residence District or within five hundred (500) feet of any Business District.

1. Abattoir.
2. Ammonia, bleaching powder, or chlorine manufacture.

3. Bag-cleaning establishment.
4. Blast furnace.
5. Boiler Works
6. Distillation of coal, wood, bones, or tar.
7. Distillation of Turpentine or varnish.
8. Emery-cloth manufacture.
9. Fertilizer manufacture.
10. Fireworks or explosives manufacture or storage.
11. Fish canning, curing, grinding or smoking.
12. Garbage incineration other than in municipal plants or incidental to the operation of hotels, restaurants, apartment houses and dwellings.
13. Glue, size, or gelatin manufacture.
14. Grinding, cooking, boiling, rendering, or storing of slaughter house refuse, or animal refuse or rancid fats, or refuse of dead animals.
- * 15. Iron, steel, or copper works or foundries.
16. Lime, cement, gypsum or plaster of paris manufacture.
17. Manufacture of concrete or mortar.
18. Petroleum or asphalt refining or manufacture.
19. Pyroxylin or celluloid manufacture.
20. Pulverizing of charcoal or coal.
21. Sewage disposal plant.
- * 22. Smelting of iron.
23. Soap manufacture.
24. Stockyards.
25. Sulphuric, nitric or hydrochloric acid manufacture.
26. Tanning, curing or storage of raw hides or skins.
27. Tetra-ethyl lead precipitate or liquid manufacture.
28. Vinegar manufacture.
29. Wool pulling and scouring.
30. Yeast plants.
31. Any other similar use which in the opinion of the Board of Supervisors might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet in height, except as provided in Section XI.

C. Area Regulations: Except for buildings occupied in whole or in part for residential use, the minimum size of yards and other spaces shall be as follows, unless otherwise provided in Section XI.

1. Building Set-Back Lines: Building set-back lines shall conform to those established in the General Business District.
2. Side and Rear Yard: Side yards shall not be required and rear yards shall not be less than ten (10) feet in depth,

unless an alley is provided in which case one-half ($\frac{1}{2}$) of the width of such alley may be counted as part of the rear yard; provided, however, that no building in the Industrial District shall be located less than one hundred (100) feet from any lot or property line lying in a Residence District and not less than fifty (50) feet from any such line lying in a Business District unless permitted by the Board of Zoning Appeals as provided in Section XII.

3. Corner Lots and Corner Clearance regulations shall conform to the provisions prescribed in Section XI.

All buildings containing residential units shall conform to the area regulations in the Urban Residence District.

SECTION X

Non-Conforming Uses

A. Continuation of Non-Conforming Uses:

If at the time of enactment of this ordinance, any building, structure or land is being used in a character or manner or for a purpose or is in a location which does not conform to the provisions of this ordinance and which is not prohibited by some other ordinance, such character or manner of use or purpose or location as then existing may be continued, and no change of title or possession shall be construed to prevent the non-conforming use of such building, structure or land as hereinbefore provided.

B. Termination of Non-Conforming Uses:

No building, structure or land in which a non-conforming use is abandoned for a period exceeding one hundred eighty (180) days, or is superseded by a permitted use subsequent to the enactment of this Ordinance, shall again be devoted to any prohibited use.

C. Restoration After Damage:

Any non-conforming building, structure, or land which is hereafter damaged to an extent exceeding fifty (50) per cent of its then reproduction value, exclusive of foundation, by fire, flood, explosion, earthquake, war, riot, storm, or so-called Act of God, may not be restored, reconstructed, or used for any other purpose than a purpose permitted under the provisions of this ordinance governing the district in which the building, structure or land is located, except where the floors and/or foundation walls of agricultural buildings are concrete or other masonry and not practical to move, or if the non-conforming location is necessary to meet the requirements of the other existing regula-

tions of the County or of the District of Columbia Health Department.

D. Nothing in this Ordinance shall prevent such structural alterations as may be necessary to restore to a safe or lawful condition any part of a building or structure declared unsafe or unlawful by any duly authorized County Official.

SECTION XI

General Regulations and Exceptions

Height and area requirements shall be subject to the following regulations and exceptions:

1. Barns, silos, chimneys, elevators, tanks, spires, and towers not used for human habitation may extend above the height limitation herein fixed. Parapet walls and other similar unused projections may so extend not to exceed five (5) feet.

2. Building heights as proscribed in this Ordinance may be increased provided that a building shall, in addition to its yard requirements, set back from any street or lot line one foot for each foot of excess height over forty (40) feet, provided that no dwelling shall exceed forty-five (45) feet or three and one-half ($3\frac{1}{2}$) stories in height and no building not a dwelling shall exceed seventy-five (75) feet in height.

3. Except as specified in this Section, set-backs and yards required by this Ordinance shall be open and unobstructed to the sky.

4. Cornices and eaves may project not to exceed three (3) feet over any minimum required yard, provided that any such projection shall not be less than two feet from any lot line.

5. Sills, leaders, belt courses and similar ornamental features may project twelve inches over any minimum yard. An open fire balcony, fire escape or fire tower may project five feet over any yard.

6. A bay window, oriel or balcony which is not more than ten (10) feet wide may project not more than three (3) feet into any front yard or side yard, provided it does not come nearer to the side lot line than seven (7) feet and not more than ten (10) feet into any rear yard, provided it does not come nearer to the rear lot line than fifteen (15) feet.

7. Any building shall be required to set back from a street beyond the required set-back line the same distance as the set-back line observed by that one, of two existing buildings on the

Immediate adjoining lots on either side, which is nearer the street centerline, provided, however, that no building shall be required to set back more than twenty (20) feet from the set-back line prescribed in the District in which such building is located.

8. Set-back and yard requirements shall not apply to any necessary retaining wall or to any fence or wall which is less than five (5) feet high, except as provided in paragraph 10, provided nothing herein shall prevent the construction of a rear line fence or wall to a height not exceeding seven feet.

9. The set-back and yard requirements shall not apply to terraces, steps and uncovered porches which are not in any part more than four (4) feet above the floor level of, the first story and not within ten (10) feet of any party lot line. Uncovered porches, or covered but not enclosed porches, may project not more than ten (10) feet beyond the front wall of a building into the set-back area in any Residence District.

10. For the purpose of safety of travel on streets and highways, buildings on corner lots shall observe the set-back restrictions on the respective streets on which the building is located, provided that within the area formed by the centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersection as prescribed below, there shall be no structure more than three and one-half ($3\frac{1}{2}$) feet, or other obstruction to vision between three and one-half ($3\frac{1}{2}$) feet and ten (10) feet above the curb or established road grade:

- A. Two hundred (200) feet in the Agricultural, Rural Residence and Rural Business Districts.
- B. One hundred fifty (150) feet in the Suburban Residence District.
- C. One hundred (100) feet in the Urban Residence, General Business and Industrial Districts.

11. No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be so reduced as to be less than herein required or shall be considered as providing any part of a yard or open space for any other building.

12. Accessory buildings permitted by this Ordinance shall be placed in side and rear yards only, and shall not exceed twenty-five (25) feet in height except as otherwise provided in paragraph 1 above. The aggregate ground area covered by accessory buildings in Residence Districts, including the ground area covered by any projection or encroachment heretofore permitted, shall not exceed thirty (30) per cent of the respective yard area upon which the

accessory buildings are built.

13. In any District, any dwelling, including apartment houses and hotels, shall provide on the premises garage or parking space to accommodate not less than one motor vehicle for each family unit contained thereon, together with means of ingress and egress to a street or alley, so located that dangerous traffic or otherwise objectionable condition will not be created. In any Business or Industrial District where a lot is used in whole or in part for business or industrial purposes, parking space for motor vehicles while being served or while parked in connection with the conduct of a business or industry shall be provided on the premises together with safe and satisfactory means of ingress and egress to a street or alley as provided above.

14. In any district the lot coverage of a hotel, apartment house, tourist home or any other multiple dwelling unit, shall not exceed twenty-five (25) per cent of the total area.

SECTION XII

Board of Zoning Appeals

*Effective
March 1, 1941*

A. Establishment: A Board of Zoning Appeals is hereby established. The word "Board" when used in this Section shall mean the Board of Zoning Appeals.

B. Membership: The Board shall consist of five (5) members appointed by the Board of Supervisors of Fairfax County; whose compensation shall be fixed by the Board of Supervisors, and shall contain one (1) member of the County Planning Commission, and four (4) members other than paid County officials, who are residents of Fairfax County. The term of office of the members of the Board shall be for five (5) years, except that the five (5) members first appointed shall serve, respectively, for terms of: one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter members shall be appointed for terms of five (5) years each. Two members so appointed shall at the first meeting in January of each year of said Board be elected as Chairman and Vice Chairman, respectively, by a majority vote of the entire membership of the Board. The Board shall appoint a Clerk whose compensation shall be fixed by The Board of Supervisors.

C. Appeals: Appeals to the Board may be taken by any person or persons aggrieved, or their agents or by any officer or agency of Fairfax County affected by any decision of the Zoning Administrator.

D. General Powers and Duties:

1. Hearings: Whenever appeal is made to the Board, said

Board shall, within thirty days, publish a notice of the time and place of a public hearing on such appeal, in a local newspaper of general circulation in Fairfax County, not less than ten (10) days before such hearing. Additional notice of such hearing shall be given to interested persons and organizations as the Board shall deem practicable. The Board shall hear all parties interested or affected.

2. No order of the Board approving the erection, alteration, or use of a building shall be valid for a period longer than six months, unless:
 - a. A building permit for such erection or alteration is obtained within said period and such erection or alteration is started and proceeds to completion in accordance with such permit, or
 - b. Such use is established within said period, provided, however, that where use permitted is dependent upon the erection or alteration of a building, such order shall continue in force if a building permit for said erection or alteration is obtained and such erection or alteration is started and proceeds to completion as provided above.
3. Upon appeals, the Board shall determine the exact location of a District boundary line as defined in this ordinance, where there is a dispute.
4. Upon appeals, the Board shall interpret the words of this ordinance where there is a dispute as to meaning.
5. The Board shall not have the power to amend any provision of this ordinance or map.
6. The Board shall make a record of all its proceedings setting forth the full reasons for its decisions and the vote of each member participating therein. Such record shall be placed on file and shall be open to public inspection.

E. Powers relative to Decision of Administrative Officer:
The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal made by the Zoning Administrator or other administrative official or body in carrying out or enforcement of any provision of this Ordinance.

F. Powers relative to Special Exceptions or Other Special Questions: Upon appeals, the Board is hereby empowered to grant

requests for the following special exceptions when in the judgment of the Board such exception shall be found to be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and map.

1. Permit in the Agricultural District one or more of the uses set forth in Section III. A - 3, provided that when such use is located within 1000 feet of the centerline of any Federal or State Highway or other street it shall be subject to the following standards and conditions to promote the safety of travel, eliminate or lessen traffic hazards and conserve the investment in said highways and streets.
 - a. That any building for such uses shall have an additional set-back of forty (40) feet more than the set-back for other building not involving service to the traveling public, said additional set-back to be for the purpose of providing necessary drive-ways, approaches, parking space, etc.
 - b. That means of ingress and egress to the highway shall be so located that dangerous or otherwise objectionable conditions will not be created.
 - c. That automobile filling stations and repair shops shall be so far as possible located in compact groups so as to prevent the undue scattering of such uses along the highway with consequent hazard to the traveling public and impairment of the natural assets of roadside areas and their future use for residential purposes.
 - d. That no commercial advertising sign, billboard, or other such device shall be located less than five hundred (500) feet from the center line of the abutting highway, or street.
 - e. Permit in any agricultural district mines, quarries and gravel pits, provided that the Board of Appeals shall find that the location of such use will not tend to prejudice the ultimate development of the property in accordance with the zoning map, and that the ground surface so used shall be left in a safe condition, properly drained either upon termination of permit or of operations, provided further that no such permit shall be required for any such enterprise when the products thereof are to be used exclusively on the premises by the owner or occupant.

Before granting any appeal under paragraph F-1 of this Section except those relating to signs, bill boards and other advertising devices, the Board shall refer the same to the County Planning Commission for study as to whether a new rural business district or the extension of a present rural business district is advisable and needed, including the site and vicinity of the proposed roadside use and the need for accommodating other business uses primarily serving the agricultural population. The Planning Commission shall thereupon make a report to the Board of Supervisors who shall then consider the question of amending the map by the creation of a new or extended rural business district if and as recommended by the Planning Commission.

2. Permit in any residence district any of the uses listed in Section IV, A - 15, provided the Board shall find that the location of such will not tend to retard or impair the present use or future development of the district for residence.
3. Permit, if no structural alterations are made, a non-conforming use of a part of a building to be extended throughout the building, provided the Board finds that such extension will not adversely affect the use or development of neighboring property in accordance with the zoning regulations and map.
4. Permit in an industrial district, a building closer than one hundred (100) feet from any lot or property line lying in a Residence District, or closer than fifty (50) feet from such line lying in Business District if the building is to be used for purposes which will not tend to impair or detract from the use of neighboring property in accordance with the zoning regulations and maps.

G. Powers Relative to Variances: Where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of the enactment of this ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation in this ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board shall have power, in passing on appeals, to grant a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and zoning ordinance:

PROVIDED, however, that no provisions of this ordinance respecting the size and shape of lots shall effect in any way the size and shape of lots either in plats and subdivisions of record

prior to the date of adoption of said ordinance, or the size and shape of lots embraced in deeds executed but not of record as of the date of the adoption of this ordinance, or the size and shape of lots heretofore sold under contract, on which no deeds have been executed and recorded as of the date of the adoption of this ordinance, irrespective of whether or not the plat of the proposed subdivision in which any such lot is situated or the plat and survey of the land of which any such lot is a part has been placed on record.

H. Rules of Procedure:

1. Meetings: The Board shall hold at least one meeting each month in the Fairfax County Court House. Three members of the Board shall constitute a quorum of the Board but a lesser number may meet and adjourn. All meetings shall be public and all records and minutes of the proceedings shall be kept in writing by the Clerk.

2. Cases before the Board: Each appeal to the Board shall be made on the appropriate form provided by the Board, and all information called for by such form shall be furnished by the appellant. Any fee required by the Board of Supervisors for an appeal shall be paid to the County Treasurer, who shall issue receipts in duplicate therefor, one copy of said receipt to be filed with the Board at the time the appeal is filed.

3. Priority of Appeals: Appeals shall be heard in the order in which they are filed, except that an appeal may be advanced for hearing by order of the Board for good cause shown. A calendar of cases to be heard shall be kept by the Clerk in their proper priority.

4. Action of the Board: The Board shall act by resolution in which a majority of the members present shall concur, provided the members present constitute a quorum. Such resolution shall contain a full statement of the reasons for the decision and other action of the Board, and said resolution, including said statement of the reasons, shall appear in the minutes of the Board.

5. Conduct of Hearings: At a hearing the order of procedure shall be as follows:

- a. Appellant's side of the case. The appellant may be represented by an attorney or agent. In the absence of either the appellant or his representative, notice having been given, the Board may, in its discretion, proceed to dispose of the case before it.
- b. Zoning Administrator's or other County official's side of the case.
- c. Interested property owner's or other interested person's side of the case.

d. Appellant's rebuttal.

6. Rehearings: A rehearing on any resolution of the Board may be had only upon the affirmative vote of not less than three (3) members of the Board, provided a motion for rehearing is made not later than forty-five days following the date of such resolution. No motion for rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the original hearing.

Any appellant whose appeal is denied may institute a new appeal not less than six months from the date upon which the Board took action upon the previous appeal.

SECTION XIII

Enforcement and Administration

1. No building shall hereafter be constructed, erected or structurally altered until a building permit for such construction, erection or alteration has been issued by such officer as may be designated by the Board of Supervisors for that purpose, and no such permit shall be issued until after the application therefor has been first approved by the Zoning Administrator.

2. This ordinance shall be enforced by an officer to be known as the Zoning Administrator, who shall be appointed by the Board of Supervisors prior to the taking effect of this ordinance, and who, as well as his successors in office, shall serve at the pleasure of the Board of Supervisors, and whose compensation as such shall be fixed by resolution of the Board of Supervisors.

All applications for building permits shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the shapes, sizes and locations of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such information with regard to the lot and adjoining lots as may be necessary to determine and provide for the enforcement of this ordinance. One copy of such plot plan shall be returned to the owner when such plot plan has been approved by the Zoning Administrator, and the other copy thereof shall remain on file in the office of the Zoning Administrator. The said Zoning Administrator shall in no case approve any application for a permit for the construction or alteration of any building if the building as proposed to be constructed or altered would be in violation of any provision of this ordinance.

No such plot plans shall be required, however, if the building proposed to be constructed, erected or altered is to be

located more than one hundred (100) feet from any lot or property line or from the edge of the right of way of any street or road.

3. It is the intention of this ordinance that all questions arising in connection with its enforcement shall be presented first to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the said Zoning Administrator, and that recourse shall be had from the Board of Zoning Appeals as provided by law.

4. Certificate of Use and Occupancy: No building now or hereafter erected or altered shall be occupied, used or changed in use, and no land shall be occupied, used or reduced in size for any non-agricultural or non-residential purposes until a Certificate of Use and Occupancy shall have been issued by the Zoning Administrator of Fairfax County, to the effect that the building or land complies with all building and health laws and ordinances applicable to such building or land, and complies with the provisions of this ordinance.

5. Violations and penalties: Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$50.00, or by imprisonment in the County jail not exceeding thirty days, or by both such fine and confinement in said jail in the discretion of the justice, court or jury trying the case, and each day upon which the said violation shall continue shall constitute a separate offense.

6. Amendments: The Board of Supervisors may from time to time on its own motion or on petition amend any provision of this Ordinance or Map, but any such amendment shall not be made or shall not become effective unless the same be first submitted by the Board of Supervisors to the County Planning Commission for its recommendations, the report of the Planning Commission to be made within thirty (30) days after such submission.

The provisions of Section XII relative to public hearing by the Board of Supervisors and publication of notice thereof shall apply to all such amendments.

7. Interpretation and Purposes: In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare of the public. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or Ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use or construction of buildings or premises; provided, however that where this Ordinance imposes a greater restriction upon the use of building or premises, or requires larger yards, or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regula-

tions or permits, the provisions of this Ordinance shall control

8. Validity: Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

9. When Effective: This ordinance shall become effective on the First day of March, 1941, at 12:01 o'clock, A.M., and shall continue in force until repealed.

SECTION VI

Urban Residence District

A. Use Regulations: In an Urban Residence District no building or structure shall be erected, altered, or used, and no land shall be used unless otherwise provided in this Ordinance, except for one or more of the following uses:


1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in Section IV, A.

B. Height Regulations: No building hereafter erected or structurally altered shall exceed three (3) stories or forty (40) feet, except as provided in Section XI.

C. Area Regulations: The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows except as provided in Section XI.

1. Lot area per structure: No structure shall be erected or placed on a lot or building site containing an area of less than five thousand (5,000) sq. ft., provided a larger area is not required by the Fairfax County Health Unit. The lot shall have a width of not less than fifty (50) feet, measured at the building set-back line.

2. Building set-back line: There shall be a building set-back line of not less than twenty-five (25) feet from the nearest side line or fifty (50) feet from the center line of the abutting street, whichever is the greater distance.



the first floor area shall be used for such occupation, except when permitted by the Board of Appeals, and", in Section IV-A-3, and the change of the figures "13" to "14" in the last line of said Section; the omission of the words "shall conform to the provisions of paragraph 3 above except that the amount of floor area used may be increased to not more than the equivalent of three-fourths of the floor area of such dwelling, and", in Section IV-A-4; the substitution of the word "structure" for the word "dwelling" in two places in the first line of Section IV-C-1; the substitution of the words and figures twenty-five (25) for the words and figures fifty (50), in Section IV-C-4; the substitution of the word "structure" for the word "dwelling" in two places in line one of Section V-C-1; the substitution of the words and figures "twenty-five (25)" for the words and figures "thirty-five (35)" in Section V-C-4; the substitution of the word "rural" for the word "suburban" in Section VI-A-1, and the omission of the figures "15" at the end of said Section; the omission in its entirety of Section VI-A-2, consisting of the two words "Duplex Dwellings"; the substitution of the word "structure" for the word "dwelling" as the second word in Section VI-C-1; the omission of the word "such" immediately preceding the words "minor repairs" in Section VII-A-6, and the omission of the words "as can be completed without necessitating overnight storage" immediately following the words "minor repairs" in said Section; the substitution of the word "urban" for the word "rural" in the last paragraph of Section VII, so that the amended Section shall read "All buildings containing residential units shall conform to the area regulations in the Residential or

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AMENDMENTS TO ZONING ORDINANCE

OF

FAIRFAX COUNTY, VIRGINIA

EFFECTIVE APRIL 22, 1946

NOTICE is hereby given that at a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on the 3rd day of April, 1946, at which meeting all of the members of said board were present and voting, the said board, after due and proper advertisement of notice of its intention to adopt the same, by unanimous vote adopted the following amendments to the Zoning Ordinance, heretofore adopted by this board on February 5, 1941, said amendments so adopted being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this board on February 5, 1941, in reference to the zoning of said county, be, and the same are hereby amended to read as follows, to-wit:

"SECTION XII—Board of Zoning Appeals, amend Subsection F 5—Powers Relative to Special Exceptions or Other Special Questions— by adding:

- 5 X. The Board of Zoning Appeals is hereby empowered and authorized to grant requests and issue use permits for the erection of multiple housing projects in any district, subject to the restrictions hereinafter set forth, provided that such use shall be found by said board to be in harmony with the general purpose and intent of the zoning regulations and map, and will not tend to affect adversely the use of neighboring property, in accordance with the zoning regulations and map.
- 4. A multiple housing project shall be considered to be a group of two or more multiple dwellings together with their acces-

Letters in red re-identify respective paragraphs by amendment effective June 1, 1946.

sory structures and uses, occupying a parcel of land having any yard or court in common.

- E. 1.* A multiple dwelling shall be considered to be any building used or designed for use as a residence for two or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels, and flats, but not including tourist camps.
- G. 1.* Retail trade and commercial service facilities, conducted entirely within a multiple dwelling, for the convenience of the occupants residing within the multiple housing project of which such multiple dwelling is a part shall be permitted, provided that no signs or other display shall indicate from the exterior that the building is used for other than residential purposes.
- G. 1.* A multiple housing project may be located on a building site having an area of not less than one acre, provided that the maximum number of dwelling units composing such a project does not exceed a ratio of twelve dwelling units per acre, gross; provided further that each dwelling unit is connected to a community water system and to a community sewerage disposal system approved by the Fairfax County Health Department or the Fairfax County Sanitary Engineer in accordance with duly adopted ordinances.
- E. 1.* The height of any structure shall not be limited, provided that no part of any structure shall be located closer to any side or rear property line than a distance equal to one-half the height of that part of the structure from the finish grade along the property line.
- F. 1.* No multiple dwelling or its accessory structures or uses shall be located less than 100 feet from the centerline of any boundary street nor less than 30 feet from the right-of-way of any service drive paralleling a boundary street, nor less than 55 feet from the centerline of any interior street.
- E. 1.* No part of any structure in any multiple housing project shall be located closer to any side or rear property line than a distance equal to one-half the height of that part of the structure from the finished grade along said property line.

AMENDMENTS TO ZONING ORDINANCE

OF

FAIRFAX COUNTY, VIRGINIA

EFFECTIVE JUNE 1, 1946

NOTICE is hereby given that at a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on the 15th day of May, 1946, at which meeting all of the members of said board were present and voting, the said board, after due and proper advertisement of notice of its intention to adopt the same, by unanimous vote adopted the following amendments to the Zoning Ordinance, heretofore adopted by this board on February 5, 1941, said amendments so adopted being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this board, with amendments thereto, pertaining to the zoning of Fairfax County, be amended to read as follows, to-wit:

"SECTION XII—Subsection D 1. This subsection is to be amended by adding the following paragraph:

"The zoning administrator shall post any tract of land with suitable placards, so as to clearly indicate the area involved in any proposed change of use in connection with any application for a Special Exception, at least ten (10) days before the hearing.

"SECTION XII—Subsection F 5, a, b, c, d, e, f, g and h. This subsection is to be repealed in its entirety, and Section XII, Subsection F 5 A, i, j, k, l, m, n, o, p and q, amended as of April 22, 1946, is to be amended to read, Section XII, Subsection F 5, a, b, c, d, e, f, g, h and i.

"SECTION XIII—Subsection 6. This subsection is to be amended by adding the following paragraph:

"The Planning Commission shall cause to be posted any tract of land with suitable placards so as to clearly indicate the area involved in any proposed change in the Zoning Map, at least fifteen (15) days prior to the date of the public hearing.

"BE IT FURTHER ORDAINED that the clerk of this board be and he is now directed to cause a true copy of these amendments to said Zoning Ordinance to be published in full for two successive weekly issues of a newspaper published in this county and that the said amendments become effective on and after midnight June 1, 1946."

ATT 4

AMENDMENTS TO ZONING ORDINANCE

OF
FAIRFAX COUNTY, VIRGINIA

EFFECTIVE AUGUST 5, 1946

NOTICE is hereby given that at a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on the 17th day of July, 1946, at which all of the members of said board were present and voting, the said board, after due and proper advertisement of notice of its intention to adopt the same, by unanimous vote adopted the following amendments to the Zoning Ordinance, heretofore adopted by this board on February 5, 1941, said amendments so adopted being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this board, with amendments thereto, pertaining to the zoning of Fairfax County, be amended to read as follows, to-wit:

"SECTION XII—Subsection F. This subsection is to be amended by adding the following paragraph:

"6. The Board of Zoning Appeals is hereby empowered and authorized to grant requests and permit as special exceptions the erection of duplex dwellings in any district, subject to the restrictions hereinafter set forth, provided that such use shall be found by said board to be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Map.

a. A duplex dwelling shall be considered to be a dwelling in one ownership, having one main entrance, but providing accommodations for two family dwelling units.

b. Each such duplex dwelling shall be on a building site having not less than twice the minimum area and frontage required for single family dwellings in the district in which the duplex dwelling is to be located.

c. Applications must be accompanied by a plot plan of the building site, and floor plans of the proposed dwelling, fully dimensioned, and before the board shall grant an appeal and authorize the issuance of a building permit, such plans must be approved by the Planning Commission of Fairfax County.

d. When such plans are thus approved, copies shall be filed with the zoning administrator, and shall not be deviated from without the written approval of the Board of Zoning Appeals on recommendation of both the Planning Commission and the Health Department.

"BE IT FURTHER ORDAINED that the clerk of this board be, and he now hereby is, directed to cause a true copy of these amendments to said Zoning Ordinance, to be published in full in two successive weekly issues of a newspaper published in this county and that the said amendments become effective on and after midnight, August 5, 1946.

AMENDMENTS TO ZONING ORDINANCE

OF

Fairfax County, Virginia

EFFECTIVE NOVEMBER 4, 1946

NOTICE is hereby given that at a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on the 16th day of October, 1946, at which meeting all of the said members of said Board were present and voting, the said Board, after due and proper advertisement of notice of its intention to adopt the same, by unanimous vote adopted the following amendments to the Zoning Ordinance, heretofore adopted by this Board on February 5, 1941, said amendments so adopted being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this Board, with amendments thereto, pertaining to the zoning of Fairfax County, be amended to read as follows, to-wit:

"SECTION XII—Subsection F-5, a, b, c, d, e, f, g, h and i be repealed in its entirety, and the following section, known as Section XII, Subsection F-5, be added in its place, and reading as follows, to-wit:

"SECTION XII—Subsection F-5. The Board of Zoning Appeals is hereby empowered to grant special exceptions and authorize the Zoning Administrator to issue use permits for the erection of multiple housing projects in any district, but any such exception shall not be granted unless the application shall have first been submitted to the County Planning Commission for its recommendations, the report of the said Commission to be made at the hearing advertised for consideration of the appeal.

"Provided the appeal is granted, the layout of the project shall be approved by the Planning Commission as being in conformance with the regulations as set forth in Section XIV, and a subdivision plat in accordance with duly adopted subdivision regulations shall be approved and recorded before any construction permits shall be issued.

"SECTION XII—Subsection F-6-a. This subsection is to be amended to read as follows, to-wit:

"a. A duplex dwelling shall be considered to be a dwelling providing accommodations for two family dwelling units.

"BE IT FURTHER ORDAINED that the following section, No. XIV, be added to and made a part of the ordinance heretofore adopted by this Board, with amendments thereto, pertaining to the zoning of Fairfax County, said section being in the words and figures following, to-wit:

"SECTION XIV—Multiple Housing:

"A. USE REGULATIONS: The Board of Zoning Appeals may permit the erection of multiple housing projects in any district, subject to the regulations set forth in this section as provided in Section XII-F-5.

1. A multiple housing project shall be considered to be a group of two or more multiple dwellings together with their accessory structures and uses, occupying a parcel of land in one ownership, having any yard or court in common.
2. A multiple dwelling shall be considered to be any building used or designated for use, in whole or in part, as a residence for three or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including tourist camps.

B. HEIGHT REGULATIONS: The height of any structure shall not be limited, provided that no part of any structure shall be located closer to any property line than a distance equal to one-half the height of that part of the structure from the finished grade along the property line.

C. AREA REGULATIONS: The minimum lot area requirements shall be determined by the number of rooms in each living unit, as follows:

Apartment Type	Number of Rooms	Lot Area Required Per Living Unit
1	1	1400 square feet
2	2	1800 square feet
3	3	2400 square feet
4	4	2600 square feet

Rooms containing bath or kitchen facilities are not included in the room count used in the apartment type determination.

Any floor space exceeding forty (40) square feet, enclosed by partitions, or walls having cased openings, or doors of any type, shall be deemed to be a room. The use of all rooms shall be clearly defined on the plans submitted with the application for a building permit.

No apartment building of any type shall hereafter be erected or altered to provide less than seven thousand five hundred (7500)

square feet of lot area and an average of seventy-five (75) feet of lot width for each building.

D. PERCENTAGE OF LOT COVERAGE: All apartment houses, including accessory buildings, on any lot shall not cover more than twenty-five (25) per cent of the area of such lot. For the purpose of computing lot coverage, for apartment houses, unless otherwise shown, a minimum of one hundred and eighty (180) square feet of accessory building or automobile parking space shall be required for each family occupying such lot.

E. BUILDING LOCATION REGULATIONS:

1. No multiple dwelling or its accessory structures shall be located less than 100 feet from the center line of any boundary street nor less than 30 feet from the right-of-way of any service drive paralleling a boundary street, nor less than 60 feet from the centerline of any interior street.
2. No multiple dwelling shall be located less than 50 feet from any side or rear property line, provided, however that no part of any structure in any multiple housing project shall be located closer to any such property line than a distance equal to one-half the height of that part of the structure from the finished grade along said property line.
3. If any of the structures in a multiple housing project are so located that the front or rear of one structure faces any other structure, a distance of not less than 60 feet shall separate said structures; if any of the structures are arranged in a row, end to end, no such structure shall be closer to any other such structure than a distance equal to the average of their heights, provided, however, that this provision shall not apply to any two structures, if no portion of either building lies within the space between the prolongation of lines along any two opposite walls of the other structure, in which case not less than 20 feet shall separate such structures.
4. No accessory structure shall be located less than 25 feet from any multiple dwelling nor less than 25 feet from any side or rear property line.

"BE IT STILL FURTHER ORDAINED that the Clerk of this Board be, and he now hereby is, directed to cause a copy of these amendments to said Zoning Ordinance to be published in full in two successive weekly issues of a newspaper published in this County, and that the said amendments become effective on and after midnight November 4, 1946."

distance equal to the average of their heights; provided, however, that this provision shall not apply to any two structures, if no portion of either building lies within the space between the prolongation of lines along any two opposite walls of the other structure, in which case not less than twenty (20) feet shall separate such structures.

4. No accessory structure shall be located less than twenty-five (25) feet from any multiple dwelling nor less than twenty-five (25) feet from any side or rear property line.

SECTION XV

SIGNS

All signs or outdoor advertisements shall comply with the following regulations hereby established for all zoning districts or each specific zoning district as follows:

A. All Districts:

1. Permits:

- A sign permit shall be obtained before any outdoor advertisement shall be erected or displayed, except those listed in Paragraph 2 of this section.
- Every sign for which a permit is issued shall have the permit number and date of issuance affixed thereon in letters one (1) inch high at the bottom right-hand corner.

2. No Permits shall be required for the following signs provided they comply with all other regulations of this section:

- Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm products, produced or furnished on such farm.
- Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments, or for any political party or for the candidacy of any individual for any nomination or office.
- Signs or notices containing two (2) square feet or less, placed at a junction of two or more roads in the State highway system denoting only the distance or direction of a residence or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner of the State Highway Commission.
- Signs erected upon property warning the public against hunting, fishing or trespassing thereon.
- Signs advertising only the name, time, and place of bona fide

County fairs, carnivals, horse shows, or events for the benefit of any civic or charitable cause, provided that such signs shall be removed within ten (10) days after the last day of any such event so advertised.

- Highway markers and signs erected, or caused to be erected, by the Commissioner of the State Highway Commission or other authorities in accordance with law.

- Signs giving the name of occupant or name or number of residence or place.

3. Signs Prohibited: Any sign or sign structure is illegal:

- Which involves motion or rotation of any part of the sign or sign structure or displays intermittent lights.
- That is located in such a manner or place as to constitute a hazard to traffic.
- Which uses the word "stop" or "danger" prominently displayed, or presents or implies the need or requirement of stopping or the existence of danger or which is a copy or imitation of official signs.
- That violates any provision of the Virginia State Outdoor Advertising Act as amended.

- Set-Back:** Any advertisement or advertising structure, not legally permitted within the limits of any street or highway, shall be located not less than thirty (30) feet, or a distance equal to one-half ($\frac{1}{2}$) the width of the right-of-way, whichever is the greater distance, from the center line of any street, provided that the set back of any sign within one hundred (100) feet of a residence shall be the same as that of the residence except where the owner of the sign and the residence be the same.

- Real Estate:** Signs upon real property advertising same for sale or rent may have an aggregate area not to exceed one-tenth of a square foot of sign area for each lineal foot of lot frontage, provided no single advertisement or advertising structure shall exceed sixty (60) square feet in area.

- Nonconforming:** Advertisements in connection with nonconforming agricultural or business uses, or business uses established by special exception or use permits granted by the Board of Zoning Appeals, in Agricultural Districts, shall be governed respectively by the regulations established for Agricultural and Business Districts.

B. Agricultural Districts:

- A limit of one-tenth of one square foot of sign area is permitted for each lineal foot of frontage occupied by the use, provided the aggregate area shall not exceed one hundred and twenty (120) square feet and that no single sign shall exceed sixty (60) square feet.

C. Business Districts:

- A limit of three (3) square feet of sign area is permitted for each lineal foot of frontage occupied by the use, provided the aggregate area shall not exceed one hundred and twenty (120) square feet and that no single sign shall exceed sixty (60) square feet.

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to the County Planning Commission for its recommendations, the report of the Planning Commission to be made within thirty (30) days after such submission.

The provisions of Sections 3 and 4 of Chapter 415 of the Acts of the General Assembly of 1938, relative to public hearings, shall apply to all such amendments.

The Planning Commission shall cause to be posted any tract of land with suitable placards so as to clearly indicate the area involved in any proposed change in the Zoning Map at least fifteen (15) days prior to the date of the public hearing.

7. Interpretation and Purposes: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of health, safety, morals, comfort, prosperity, and general welfare of the public. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use or construction of buildings or premises; provided, however, that where this ordinance imposes a greater restriction upon the use of building or premises, or requires larger yards, or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this ordinance shall control.

8. Validity: Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

9. When Effective: This ordinance shall become effective on the First day of March, 1941, at 12:01 o'clock, A. M., and shall continue in force until repealed.

SECTION XIV

MULTIPLE HOUSING

A. Use Regulations: The Board of Zoning Appeals may permit the erection of multiple housing projects in any district, subject to the regulations set forth in this section as provided in Section XII, F, 5.

1. A multiple housing project shall be considered to be a group of two or more multiple dwellings together with their accessory structures and uses, occupying a parcel of land in one ownership, having any yard or court in common.
2. A multiple dwelling shall be considered to be any building used or designated for use, in whole or in part, as a residence for three or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including tourist camps.

B. Height Regulations: The height of any structure shall not be limited, provided that no part of any structure shall be located closer to any property line than a distance equal to one-half (1/2) the height of that part of the structure from the finished grade along the property line.

C. Area Regulations: The minimum lot area requirements shall be determined by the number of rooms in each living unit, as follows:

Apartment Type	Number of Rooms	Lot Area Required Per Living Unit
1	1	1,400 Square Feet
2	2	1,800 Square Feet
3	3	2,400 Square Feet
4	4	2,600 Square Feet

Rooms containing bath or kitchen facilities are not included in the room count used in the apartment type determination.

Any floor space exceeding forty (40) square feet, enclosed by partitions, or walls having cased openings, or doors of any type, shall be deemed to be a room. The use of all rooms shall be clearly defined on the plans submitted with the application for a building permit.

No apartment building of any type shall hereafter be erected or altered to provide less than seven thousand five hundred (7,500) square feet of lot area and an average of seventy-five (75) feet of lot width for each building.

D. Percentage of Lot Coverage: All apartment houses, including accessory buildings, on any lot shall not cover more than twenty-five (25) per cent of the area of such lot. For the purpose of computing lot coverage, for apartment houses, unless otherwise shown, a minimum of one hundred and eighty (180) square feet of accessory building or automobile parking space shall be required for each family occupying such lot.

E. Building Location Regulations:

1. No multiple dwelling or its accessory structures shall be located less than one hundred (100) feet from the center line of any boundary street nor less than thirty (30) feet from the right-of-way of any service drive paralleling a boundary street, nor less than sixty (60) feet from the center line of any interior street.
2. No multiple dwelling shall be located less than fifty (50) feet from any side or rear property line; provided, however, that no part of any structure in any multiple housing project shall be located closer to any such property line than a distance equal to one-half (1/2) the height of that part of the structure from the finished grade along said property line.
3. If any of the structures in a multiple housing project are so located that the front or rear of one structure faces any other structure, a distance of not less than sixty (60) feet shall separate said structures; if any of the structures are arranged in a row, end to end, no such structure shall be closer to any other such structure than a

"SECTION XIII, Subsection 6. This Subsection 6 shall be amended by repealing it in its entirety, and re-enacting Subsection 6 under Section XIII to read as follows:

"6. Amendments:

- a. The Board of Supervisors may from time to time on its own motion or on petition amend, supplement, or change any provision of the ordinance. The Board of Supervisors may likewise, on its own motion, or on petition of the owner or owners, or contract owner or contract owners of the property proposed for a change of zoning, after public notice and hearing, amend, supplement, or change the Zoning Map.
- b. Any such amendment, supplement or change of any provision of the ordinance or of the Zoning Map shall not be made or shall not become effective unless the same be first submitted by the Board of Supervisors to the County Planning Commission for its recommendation.
- c. The Board of Supervisors shall cause the notice of such amendment, supplement, or change to be advertised as required by law.
- d. In addition to published notice as required by law, the County Planning Commission shall cause to be posted any tract of land with suitable placard so as to clearly indicate the area involved in any proposed change in the Zoning Map, at least fifteen (15) days prior to the date of the public hearing.
- e. No application for any change to the same or to a lesser restricted classification of zoning or use of the same lot, plot, parcel or portion thereof shall be considered by the County Planning Commission and the Board of Supervisors within six (6) months of the final action of the Board of Supervisors upon the prior application.

"BE IT FURTHER ORDAINED that these amendments be, and the same hereby are, made effective on and after May 15, 1950, and

"BE IT FURTHER ORDAINED that the clerk of this board be, and he now hereby is, directed to cause a copy of these amendments to be published in two consecutive weekly issues of newspapers published or circulated in this county."

**AMENDMENTS TO
ZONING ORDINANCE
OF
FAIRFAX COUNTY, VIRGINIA
EFFECTIVE MAY 22, 1950**

NOTICE is hereby given that at the regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Wednesday, May 3, 1950, the said board, by the unanimous vote of all members present, after first having given due notice of its intention to so do in the manner prescribed by law, adopted an amendment to the Zoning Ordinance heretofore adopted by said board on March 1, 1941, with amendments to date, the said amendments, so adopted on May 3, 1950, being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this board in reference to the zoning of said county, be amended as follows, to-wit:

"SECTION IX, Subsection A, Paragraph 21. This Subsection A, Paragraph 21, shall be amended by deleting paragraph 21 in its entirety.

"BE IT FURTHER ORDAINED that this amendment be, and the same hereby is, made effective on and after May 22, 1950, and

"BE IT FURTHER ORDAINED that the clerk of this board be, and he now hereby is, directed to cause a copy of this amendment to be published in two consecutive weekly issues of newspapers published or circulated in this county."

**AMENDMENTS TO
ZONING ORDINANCE
OF
FAIRFAX COUNTY, VIRGINIA**

EFFECTIVE MAY 15, 1950

NOTICE is hereby given that at the regular meeting of the board of Supervisors of Fairfax County, Virginia, held on Wednesday, April 19, 1950, the said board, by the unammous vote of all members present, after first having given due notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance heretofore adopted by said board on March 1, 1941, with amendments to date, the said amendments, so adopted on April 19, 1950, being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following sections of the ordinance heretofore adopted by this board in reference to the zoning of said county, be amended to read as follows, to-wit:

"SECTION IV, Subsection A, Paragraph 15 g. This Subsection A, Paragraph 15 g shall be amended by repealing it in its entirety and re-enacting a new Subsection A, Paragraph 15 g under Section IV, to read as follows:

"g. Buildings and facilities which are used exclusively by the County Government for public purposes, except public schools as hereinbefore permitted.

"SECTION IV, Subsection A, Paragraph 15. This Subsection A, Paragraph 15, shall be amended by adding the following:

"k. Sanitary land fills subject to such regulations relative to the same as may from time to time be adopted by the Board of Supervisors. No such use shall be permitted unless the application shall have first been submitted to the County Sanitary Engineer and the County Health Officer for their report and recommendations as to the suitability of the site for such use.

"SECTION IX. Subsection A (exclusive of items 1 through 31, inclusive of this Section and Subsection). This Subsection A (exclusive of items 1 through 31, inclusive of this Section and Subsection) shall be amended to read as follows:

"A. Use Regulations: In any Industrial District, buildings or land may be used for any purpose not otherwise prohibited by ordinance within Fairfax County; provided, however, that a sanitary land fill may be permitted in the Industrial District only with the approval of the Board of Zoning Appeals as provided in Section IV, Subsection A, Paragraph 15 k of this Ordinance. When any of the following uses are not controlled by existing county ordinances, such uses shall require the approval of the Board of Supervisors of Fairfax County and the prior submission of a report and recommendations to said Board by the Fairfax County Planning Commission; provided, however, that no such use shall be established within two thousand (2,000) feet of any Residence District or within five hundred (500) feet of any Business District.

"SECTION XII, Subsection F, Paragraph 2. This Subsection F, Paragraph 2, shall be amended by repealing it in its entirety and re-enacting a new Subsection F, Paragraph 2, under Section XII, to read as follows:

"2. Permit in any Agricultural, Residence or Business District any of the uses listed in Section IV, A-15; and permit in any Industrial District the use listed in Section IV, A-15 k, provided the Board shall find that:

- (a) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (b) the location of such use will not ultimately affect adversely the use or development of neighboring property in accordance with the zoning regulations and map.

AMENDMENTS TO
ZONING ORDINANCE

OF

FAIRFAX COUNTY
VIRGINIA

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EFFECTIVE JUNE 5, 1950
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NOTICE is hereby given that at the regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Wednesday, May 17, 1950, the said Board, by the unanimous vote of all members present, after first having given due notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance heretofore adopted by said Board on March 1, 1941, with amendments to date, the said amendments, so adopted on May 17, 1950, being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County Virginia, that the following sections of the ordinance heretofore adopted by this Board in reference to the zoning of said County, be amended to read as follows, to-wit:

"Section XII—Sub-section F-5. This Sub-section F-5 shall be amended by repealing it in its entirety and re-enacting a new Sub-section F-5, under Section XII, to read as follows:

"5. The Board of Zoning Appeals is hereby empowered to grant special exceptions and authorize the Zoning Administrator to issue use permits for the erection of multiple housing projects in the Urban Residence District, but any such exception shall not be granted unless the application shall have first been submitted to the County Planning Commission for its recommendations.

Provided the appeal is granted, the layout of the project shall be approved by the Planning Commission as being in conformance with the regulations as set forth in Section XIV, and a subdivision plat in accordance with duly adopted subdivision regulations shall be approved and recorded before any construction permits shall be issued."

"Section XIV—Sub-section A. This Sub-section A shall be amended by repealing the first paragraph therefrom, which first paragraph now reads:

"A. Use Regulations: The Board of Zoning Appeals may permit the erection of multiple housing projects in any district, subject to the regulations set forth in this section as provided in Section XII. F, 5, AND REENACT THE SAME TO READ:

"A. Use Regulations: The Board of Zoning Appeals may permit the erection of multiple housing projects in the Urban Residence District, subject to the regulations set forth in this section as provided in Section XII, F, 5.

"BE IT FURTHER ORDAINED that these amendments be, and the same hereby are, made effective on and after June 5, 1950, and

"BE IT FURTHER ORDAINED that the Clerk of this Board be, and he now hereby is, directed to cause a copy of these amendments to be published in two consecutive weekly issues of newspapers published or circulated in this County."

AMENDMENTS TO
ZONING ORDINANCE
OF
FAIRFAX COUNTY
VIRGINIA

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EFFECTIVE OCTOBER 1, 1950
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NOTICE is hereby given that the Board of Supervisors of Fairfax County, Virginia, at its regular meeting held on Wednesday, September 6, 1950, after having given notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance of Fairfax County, Virginia, heretofore adopted by this Board on March 1, 1941, with amendments to date, said amendments so adopted on September 6, 1950 being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following sections of the ordinance heretofore adopted by this Board in reference to the zoning of said County, be amended as follows, to-wit:-

"Section VII, Subsection A, Paragraph 3. This paragraph shall be amended by adding the following:

- Amended*
- d. Trailer camps, except upon the securing of a Use Permit for such use.

"Section IX, Subsection A. This Subsection shall be amended in the following manner:

- A. Use Regulations: In any Industrial District buildings or land may be used for any purpose not otherwise prohibited by ordinance within Fairfax County, except that trailer camps may be permitted only upon the securing of a Use Permit for such use and provided however that (The remainder of this Section shall remain in the words and figures as now effective).

"BE IT FURTHER ORDAINED that said Zoning Ordinance be amended by adding the following section, namely: SECTION XVI—USE PERMITS: the same to be in the following words and figures, to-wit:

SECTION XVI

USE PERMITS

- A. ~~Use permits may be issued for any use for which a Use Permit is required by the provisions of this Ordinance.~~
- B. Written application for a Use Permit shall accompany an application to the Zoning Administrator for approval of such use. The application shall be transmitted forthwith to the Board of Supervisors of Fairfax County.

(over)

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C. Every application for a Use Permit shall be accompanied by a check or cash payment of Twenty Dollars (\$20.00) which shall be applied to the cost of advertising and expense incidental to reviewing, publishing, and reporting the facts. An application for a Use Permit shall be advertised for Public Hearing as required by law.

2.A.
D. If the Board of Supervisors shall find that, after a duly advertised hearing in the circumstances of the particular situation, the use for which a Use Permit is sought will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood and (3) be dissimilar in character to existing land uses in the neighborhood, it shall issue the Use Permit, provided that all provisions of law and ordinance shall have been complied with. In granting any Use Permit the Board of Supervisors shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that it will continue to do so.

1. Any Use Permit issued by the Board of Supervisors permitting the use of land or premises for purpose of a trailer camp shall be for an indefinite period and shall be revocable by the said Board of Supervisors at any time for the failure of the applicant to maintain all requirements of law with respect to the maintenance and conduct of the same. Before revoking any such permit, however, the Board shall give the holder thereof at least ten (10) days written notice of the time and place for hearing to be held by the Board on the revocation of such permit and shall conduct a hearing on the matter.

"BE IT FURTHER ORDAINED that these amendments be and the same hereby are, made effective on and after October 1, 1950.

ZONING ORDINANCE

OF FAIRFAX COUNTY, VIRGINIA

Effective February 26, 1951

NOTICE is hereby given that the Board of Supervisors of Fairfax County, Virginia, at its regular meeting held on Wednesday, February 7, 1951, after having given notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance of Fairfax County, Virginia, heretofore adopted by this Board on March 1, 1941, with amendments to date, said amendments so adopted on February 7, 1951 being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this Board in reference to the zoning of said County, be amended as follows; to-wit:

"Section IV, Sub-section A, Paragraph 15. This paragraph shall be amended by adding the following:

1. Sewage disposal plants and/or sewage pumping stations. Either of these two uses shall not be granted, however, unless the application shall have first been submitted to the County Planning Commission for its recommendation.

"BE IT FURTHER ORDAINED that these amendments be, and the same hereby are, made effective on and after February 26, 1951."

AMENDMENTS TO

ZONING ORDINANCE

OF FAIRFAX COUNTY, VIRGINIA

Effective March 12, 1951

NOTICE is hereby given that the Board of Supervisors of Fairfax County, Virginia, at its regular meeting held on Wednesday, February 21, 1951, after having given notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance of Fairfax County, Virginia, heretofore adopted by this Board on March 1, 1941, with amendments to date, said amendments so adopted on February 21, 1951 being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following sections of the ordinance heretofore adopted by this Board in reference to the zoning of said County, be amended as follows, to-wit:

Section III. Subsection C—

Amend Paragraph 1 by adding the following sentence:

"Except, however, that a corner lot shall have a width of not less than one hundred twenty-five (125) feet measured at the building set-back line."

Amend Paragraph 1 by deleting from the first sentence the words and figures "one-half ($\frac{1}{2}$) acre" and substituting in their stead the words and figures "21,781 square feet."

Section IV. Subsection C—

Amend paragraph 1 by adding the following sentence:

"Except, however, that a corner lot shall have a width of not less than one hundred twenty-five (125) feet measured at the building set-back line."

Amend Paragraph 1 by deleting from the first sentence the words and figures "one-half ($\frac{1}{2}$) acre" and substituting in their stead the words and figures "21,781 square feet."

Section V. Subsection C—

Amend Paragraph 1, 2 and 3 by repealing same and enacting new paragraphs to read as follows:

1. **Lot Area Per Structure:** No structure shall be erected or placed on a lot or building site containing an area of less than fifteen thousand (15,000) square feet, provided a larger area is not required by the Fairfax County Health Department; except, however, that lots in subdivisions approved in accordance with the provisions of the Fairfax County Subdivision Control Ordinance shall contain an average area of not less than twelve thousand five hundred (12,500) square feet and contain a minimum area of not less than ten thousand five hundred (10,500) square feet. Each lot (except a corner lot) shall have a width of not less than ninety (90) feet measured at the building set-back line; except, however, that lots (except corner lots) in a subdivision approved for lot areas of less than fifteen thousand (15,000) square feet in accordance with the provisions of the Fairfax County Subdivision Control Ordinance shall have a width of not less than eighty (80) feet measured at the building set-back line. Each corner lot shall have a width of not less than one hundred fifteen (115) feet measured at the building set-back line; except, however, that a corner lot in a subdivision approved for lot areas of less than fifteen thousand (15,000) square feet in accordance with the provisions of the Fairfax County Subdivision Control Ordinance shall have a width of not less than one hundred five (105) feet measured at the building set-back line.
2. **Building Set-back Line:** There shall be a building set-back line of not less than forty-five (45) feet from the nearest side line or seventy (70) feet from the center line of the abutting street, whichever is the greater distance; except, however, that on lots in subdivisions approved for lot areas of less than fifteen thousand (15,000) square feet in accordance with the provisions of the Fairfax County Subdivision Control Ordinance there shall be a building set-back line of not less than forty (40) feet from the nearest side line or sixty-five (65) feet from the center line of the abutting street, whichever is the greater distance.
3. **Side Yards:** There shall be on each side of every building a side yard having a minimum width of twenty (20) feet; except, however, that in subdivisions approved for lot areas of less than fifteen thousand (15,000) square feet in accordance with the provisions of the Fairfax County Subdivision Control Ordinance there shall be on each side of every building a side yard having a minimum width of fifteen (15) feet.

Section VI. Subsection C—

Amend paragraphs 1 and 2 by repealing same and enacting new paragraphs to read as follows:

1. **Lot Area Per Structure:** No structure shall be erected or placed on a lot or building site containing an area of less than ten thousand (10,000) square feet, provided a larger area is not required by the Fairfax County Health Department; except, however, that lots in subdivisions approved in accordance with the provisions of the Fairfax County Subdivision Control Ordinance shall contain an average area of not less than ten thousand (10,000) square feet and contain a minimum area of not less than eight thousand four hundred (8,400) square feet. Each lot (except a corner lot) shall have a width of not less than seventy (70) feet measured at the building set-back line; each corner lot shall have a width of not less than ninety-five (95) feet measured at the building set-back line.
2. **Building Set-Back Line:** There shall be a building set-back line of not less than thirty-five (35) feet from the nearest side line, or sixty (60) feet from the center line of the abutting street, whichever is the greater distance.

Section XI. Paragraph 12—

Amend Paragraph 12 by adding the following sentence:

"The provisions of this paragraph, except those pertaining to height and ground coverage limitations, shall not apply to garages."

AMENDMENTS TO
ZONING ORDINANCE
OF FAIRFAX COUNTY, VIRGINIA

★
EFFECTIVE APRIL 23, 1951
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NOTICE is hereby given that the Board of Supervisors of Fairfax County, Virginia, at its regular meeting held on Wednesday, April 4, 1951, after having given notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance of Fairfax County, Virginia, heretofore adopted by this Board on March 1, 1941, with amendments to date, said amendments so adopted on April 4, 1951 being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following sections of the ordinance heretofore adopted by this Board in reference to the zoning of said County, be amended as follows, to-wit:

- ✓ SECTION VII, Sub-Section A—Amend Paragraph 2 by deleting from the same the words "tourist camps and cabins."
- ✓ SECTION VII, Sub-Section A—Amend Paragraph 3 so as the same shall read as follows: "3. Any retail trade or service (subject to the provisions of Section XVI) provided that no industry or manufacturing shall be permitted except the making of articles to be sold exclusively at retail on the premises."
- ✓ SECTION VII, Sub-Section A—Amend Paragraph 3-d by repealing the same in its entirety.
- ✓ SECTION VII, Sub-Section A—Amend Paragraph 6 by repealing the same in its entirety and re-enacting the same to read as follows: "6. Any use listed in Section XVI of this ordinance, subject to securing a Use Permit for the same as therein provided."
- ✓ SECTION VIII, Sub-Section A—Amend Paragraph 3 so as the same shall read as follows: "3. Theaters, assembly halls, and similar places of public entertainment (subject to the provisions of Section XVI)."
- ✓ SECTION VIII, Sub-Section A—Amend Paragraph 5 in the following manner: "5. Any wholesale trade or service (subject to the provisions of Section XVI), provided (the remainder of this Section shall remain in the words and figures as now effective).
- ✓ SECTION XVI, Sub-Section A—Amend Section XVI, Sub-Section A so as the same shall read as follows:
"A. Use Permits shall be required and may be issued for any of the following uses:
1. Automobile filling stations, automobile repair shops, in connection with a filling station, or auto repair shops in general (except in the Industrial District where such uses shall be permitted without a Use Permit), provided, however, that no storage of wrecked vehicles or a wrecking of vehicles shall be permitted on the premises. Such uses shall be so far as possible located in compact groups so as to prevent the undue scattering of the same.

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2. Tourist camps, tourist courts, motor courts, and tourist cabins (except in the Industrial District, where such uses shall be permitted without a Use Permit).

3. Trailer camps.

4. Open-air Theaters.

SECTION XVI, Sub-Section B—Amend Section XVI, Sub-section B, by deleting from the same the words "Board of Supervisors" and substituting in their stead the words "Board of Zoning Appeals."

SECTION XVI, Sub-Section C—Amend Section XVI, Sub-Section C, by adding the following:

"Every such application shall also be accompanied by three (3) copies of a plot plan drawn to scale of not less than 1 inch equals 100 feet, showing the following information:

"1. Boundaries of the subject property shown by bearing and distance of the same.

"2. Size, shape and location of all buildings or structures existing on the property.

"3. Size, shape and location of all buildings or structures (including trailers) proposed to be erected or placed on the property in connection with the application for Use Permit.

"4. Location and width of means of ingress and egress to and from the highway, the same to be so located that dangerous or otherwise objectionable conditions will not be created."

SECTION XVI, Sub-Section D—Amend Section XVI, Sub-Section D, by repealing the same in its entirety and re-enacting the same to read as follows:

"D. 1. If the Board of Zoning Appeals shall find that, after a duly advertised hearing in the circumstances of a particular situation, the use for which a Use Permit is sought will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, and (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood, it shall issue the Use Permit, subject to all provisions of law and ordinance relative to the proposed use. In granting any Use Permit the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that it will continue to do so.

"2. Any Use Permit issued by the Board of Zoning Appeals shall be for an indefinite period and shall be revocable by the said Board at any time for the failure of the owner or operator of such use to maintain all requirements of law with respect to the maintenance and conduct of the same and all conditions designated in connection therewith by the said Board in granting the Use Permit. Before revoking any such permit, however, the Board shall give the holder thereof at least ten (10) days written notice of the time and place for hearing to be held by the Board on the revocation of such permit and shall conduct a hearing on the matter.

3. Construction or operation shall be commenced within one (1) year of date of issuance or use permit becomes void."

"BE IT FURTHER ORDAINED that these amendments be, and the same hereby are, made effective on and after April 23, 1951.

note

AMENDMENTS TO ZONING ORDINANCE

OF

FAIRFAX COUNTY, VIRGINIA

Effective July 9, 1951

NOTICE is hereby given that the Board of Supervisors of Fairfax County, Virginia, at its regular meeting held on Wednesday, June 20, 1951, after having given notice of its intention so to do in the manner prescribed by law, adopted certain amendments to the Zoning Ordinance of Fairfax County, Virginia, heretofore adopted by this Board on March 1, 1941, with amendments to date, said amendments so adopted on June 20, 1951, being in the words and figures following, to-wit:

"BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that the following section of the ordinance heretofore adopted by this Board in reference to the zoning of said County, be amended as follows, to-wit:

"SECTION XII, Sub-section G—

"Amend the first paragraph of Section XII, Sub-section G so as the same shall read as follows:

"G. POWERS RELATIVE TO VARIANCES: Where, by reason of exceptional topographic conditions of a specific piece of property, or by reason of other extraordinary and exceptional situation or condition, the strict application of any regulation in this ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner, the Board shall have power in passing on appeals to grant a variance from such strict application of such regulation, so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without impairing the general purpose and intent of the Zoning Map and Zoning Ordinance."

The second paragraph of this Section and Sub-section shall remain in the words and figures now in effect.

"BE IT FURTHER ORDAINED that these amendments be, and the same hereby are, made effective on and after July 9, 1951.

Section XI. Paragraph 15—

Amend the first sentence to read:

"No provisions of this ordinance respecting the size and shape of lots shall affect in any way the size and shape of lots of record prior to March 12, 1951, or lots indicated on preliminary plats approved in accordance with the provisions of the Fairfax County Subdivision Control Ordinance prior to March 12, 1951."

Amend the second sentence and the last sentence by deleting from both sentences the date "April 1, 1943" and substituting instead the date "March 12, 1951."

Section XI—

Amend this section by adding Paragraph 16 as follows:

16. A garage or car port placed between a dwelling and a side lot line may extend into the minimum side yard a distance of not more than five (5) feet. A detached garage placed in a rear yard, except on a corner lot, shall be behind the extreme rear line of the building and shall be located not less than four (4) feet from the rear or side lot lines. The requirement of four (4) feet may be further reduced to not less than two (2) feet provided the walls of any garage so located are of fire resistant construction. On a corner lot a detached garage shall not come closer to the rear lot line than it would be permitted to come to the side lot line in the district in which the lot is located.

"BE IT FURTHER ORDAINED that these amendments be, and the same hereby are, made effective on and after March 12, 1951."

§ 30-1.8.3 Festival Types

- a) Carnival. A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.
- b) Circus. A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure with or without other side shows.
- c) Festival. Any fair, festivity, or similar activity where patrons are charged admission or other fees for the privilege of watching or participating in entertainment, including, but not limited to music shows, concerts and revivals.
- d) Horse Show. Any aggregation of horses where there occurs the exhibiting, judging, showing or racing of horses.

Amend Section 30-6.7.1 as follows:

"...No special permit shall be issued by the board for any use or purpose that is not thus specifically authorized. ..."

Amend Section 30-6.7.1.2 by the deletion of the following wording:

"...or the board may grant a temporary special permit, subject to adequate guarantees that the use covered will be terminated at the end of the period specified or of such extension thereof as may be granted by the board. ..."

Amend Section 30-6.7.1.2 to read as follows:

"...Unless a time limit is specified for a special permit, the same shall be valid for an indefinite period of time but shall be revocable on the order of the board at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the board in issuing the same. ... Before revoking any special permit, however, the board shall give the holder thereof at least ten days' written notice of violation. ..."

Add a new Section 30-6.16 to read as follows:

§ 30-6.16. Temporary Special Permits

- a) On application, the zoning administrator may issue a temporary special permit for any of the uses specified in subsection 30-2.2.2 as requiring a special permit in the particular district, provided a temporary special permit is authorized for such use under subsections 30-7.1 through 30-7.2.10.8.
- b) Duration. A temporary special permit shall not exceed 21 consecutive days in duration. Any renewal or extension of a temporary special permit shall be subject to the same procedure as specified in this chapter for the original issuance of a special permit.
- (c) Application. Application for a temporary special permit shall be made to the Zoning Administrator on such forms as may be required by the Zoning Administrator at least three weeks prior to the date on which the permit will take effect, provided that the County Executive may approve a lesser time period. The forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this Ordinance.

- d) Issuance of Temporary Special Permit. The zoning administrator shall issue a temporary special permit to the applicant, setting forth the duration of the permit, and any conditions reasonably related to and designed to promote the standards of this chapter, provided that the applicant has sufficiently complied with the applicable standards prescribed in the subsections 30-7.1 through 30-7.2.10.8.
- e) Fees. The zoning administrator may charge such fees for the issuance of any temporary special permit as may be reasonably necessary to cover the cost of processing.
- f) Revocation of Permit. The zoning administrator may revoke a temporary special permit at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the zoning administrator in issuing the same. Notice of such revocation shall be made by letter from the zoning administrator, to the owner or operator of the use for which the permit has been granted, hand delivered or mailed, return receipt requested, setting forth the grounds upon which the permit was revoked, the date and time upon which the revocation is effective, and informing the owner or operator of the appeals procedure. Upon receipt of such notice, the owner or operator of such activity shall cease operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this chapter with respect to violations of the provisions of this chapter.
- g) Appeals. An appeal by any person aggrieved by an action of the zoning administrator in granting or denying a temporary special permit may be made in the same manner as an appeal from a special permit under § 30-6.8 through 30-6.15. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the zoning administrator to present his grounds for appeal. The zoning administrator shall meet with the aggrieved party within 48 hours of the date upon which the appeal is received. Within 24 hours of the date of the meeting, the zoning administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify, or rescind the revocation of the temporary permit.

Delete § 30-7.2.6.1.4 and § 30-7.2.6.1.4.1 in their entirety, and substitute in lieu thereof the following:

§ 30-7.2.6.1.4 Carnival, Circus, Festival, Fair, Horse Show, the Sale of Christmas Trees or Other Seasonal Commodities and Other Similar Activities.

The Activity shall be subject to the provisions of a temporary special permit issued by the zoning administrator, which permit shall specify such conditions as to location, parking, traffic access, and safety requirements as will protect the health, safety, and welfare of the public and which will protect adjoining property from any adverse effects of the activity.

a) Specific Requirements. No temporary special permit shall be issued by the zoning administrator for any activity within this subsection except upon the following conditions:

- (1) Any activity within this subsection shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or non-profit organization or recognized chapter thereof whose principal administrative offices are located within the County of Fairfax.
- (2) Bona fide members of the sponsoring organization shall collect all monies and handle all sales of tickets for admission, rides, shows, games, etc. and shall have custody of all monies collected until appropriate settlement is made with the owner of the activity. A bona fide member of a sponsoring organization shall be a person whose permanent residence lies within the boundaries of the Northern Virginia Regional Planning District Commission.
- (3) The sponsoring organization shall submit with its application for a temporary special permit a list of the names and addresses of those members of the sponsoring organization who will handle and collect all monies at the activity.
- (4) Where the activity is a circus, fair, or carnival, and the owner of the circus, fair, or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the zoning administrator the name and address of the owner or owners of the circus, fair, or carnival. The zoning administrator shall determine, from previous performance and other information, that the owner or owners are of good repute.
- (5) The sponsoring organization shall furnish the County Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the County Health Director shall advise the zoning administrator that such arrangements and facilities will be adequate if properly used and maintained.
- (6) The Zoning Administrator shall not issue a temporary special permit for a carnival or circus where such activity, as proposed, will:
 - A. Occur within two (2) miles of any other carnival or circus for which a temporary special permit has been previously obtained under this Section, and
 - B. Commence within a time period of three (3) weeks from the ending date of any other carnival or circus within a two (2) mile radius for which a temporary special permit has been previously obtained under this Section.

GIVEN under my hand this 27th day of January, 1975.

Ethel Wilcox Register
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Clerk to the Board